

FACE SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

MAR 1 1972

Office of Administrative Procedure

ENDORSED

APPROVED FOR FILING
(Gov. Code 11380.1)

MAR 1 1972

Office of Administrative Procedure

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

Dated: MAR 1 1972 (Agency)
By: [Signature]

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

MAR 1 - 1972

At 4:40 o'clock P.M.

EDMUND G. BROWN Jr., Secretary of State

By: [Signature]
Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

FINDING OF EMERGENCY

The following regulations are emergency measures necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Revise:

Section 43-113.6
44-133.521

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATION
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)**

DO NOT WRITE IN THIS SPACE

The following facts constitute the emergency:

1. The Welfare Reform Act of 1971 (Chapter 578, Statutes of 1971) was enacted by the 1971 Legislature.
2. Sections 43-113.6 and 44-133.5 were adopted September 24, 1971, on an emergency basis to implement Section 8.6 of the Welfare Reform Act of 1971.
3. On October 19, 1971, the Superior Court of Sacramento County issued a preliminary injunction in the case of Camp, et al. v. Carleson, et al., Civil No. 216154, which pertained to the implementation of Section 8.6 of the Welfare Reform Act of 1971.
4. On January 25, 1972, the Superior Court of Sacramento County took under submission proposals from the parties for modification of the Court's injunction of October 19, 1971, in the case of Camp, et al. v. Carleson, et al., Civil No. 216154.
5. On January 28, 1972, Sections 43-113.6 and 44-133.5 were adopted on an emergency basis in order to preserve the issues involved in Camp, et al. v. Carleson, et al. for ultimate determination by the Court.
6. On February 15, 1972, the Superior Court of Sacramento County issued a modification of the preliminary injunction of October 19, 1971, in the case of Camp, et al. v. Carleson, et al.
7. Paragraph three of the modified preliminary injunction in Camp, et al. v. Carleson, et al., issued February 15, 1972, requires the Director to revise Sections 43-113.6 and 44-133.5 consistent with the terms of that injunction.

**CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATION
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

8. The revision filed above complies with paragraph three of the modified preliminary injunction in Camp, et al. v. Carleson, et al., issued February 15, 1972.

The revision filed above, must, therefore, be adopted as an emergency measure to become effective upon filing with the Secretary of State.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

43-113 RESPONSIBILITY FOR SUPPORT (Continued)

43-113

AFDC .6 Stepfather

A stepfather is responsible for the support of his children from another union living outside the home; and his children, natural and adopted, living in the home; and his wife.

A stepfather is not legally responsible for the support of his wife's children by another man, unless he has adopted them. However, his wife's interest in the community property, including the earnings of her husband (see Section 44-101.5 for definition of earnings), where actually available to her, shall be considered available for the support of his stepchild(ren). (See Section 44-133.5.)

If the stepfather and his legal dependents living in the home are needy but are ineligible or refuse to apply for public assistance or General Relief, a determination of possible misuse of AFDC funds shall be made, as specified in Section 20-101.

.61 Availability of Stepfather's Income

Provided that the nonadoptive stepfather and the natural or adoptive mother regularly reside together, the existence of any of the following criteria on a current and regular basis may reasonably justify a finding by the county that all or a portion, as the case may be, of a wife's interest in her husband's income, as defined in Section 5127.5 of the Civil Code (see EAS Section 44-133.521), is actually available for her use in support of her children.

DO NOT WRITE IN THIS SPACE

BAR 1 1972

**CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

43-113 RESPONSIBILITY FOR SUPPORT (Continued)

43-113

AFDC

- .611 To the extent that the husband's income is actually made available for use by the wife, including use for support of her children, e.g., in a bank account in the names of the husband and wife jointly; in a separate bank account in the wife's name; in any other form of account upon which the wife can draw; in money orders or other instruments which the wife can cash; in cash; etc.; or
- .612 To the extent that the husband's income is used to provide, for his nonadopted stepchildren, any or all of their food, housing, clothing, utilities, transportation, or other living expenses; or
- .613 To the extent that such obligation is legally collectible from the wife's interest in her husband's income, as defined in Section 5127.5 of the Civil Code (see Section 44-133.521), maintenance of a credit arrangement, for which the husband is legally obligated to pay, which is available to the wife and can be used by her to provide, for her natural or adopted children, any or all of their food, housing, clothing, utilities, transportation, or other living expenses.

Whether the criteria in .611, .612 or .613 exist so as to reasonably justify a finding by the county that all or a portion, as the case may be, of a wife's interest in her husband's income, as defined in

DO NOT WRITE IN THIS SPACE

MAR 1 1972

**CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

43-113 RESPONSIBILITY FOR SUPPORT (Continued)

43-113

AFDC

Section 5127.5 of the Civil Code (see Section 44-133.521), is actually available for her use in support of her children shall be determined on the basis of all available data, including that obtained from the statement required by Section 43-113.62.

.62 Statement Required

Whenever aid is applied for or granted on behalf of a child living in a home with his natural or adoptive mother and nonadoptive stepfather, the mother shall complete a statement for purposes of determining the actual availability to her of her interest in the community property, (see Section 42-203.5) including the earnings of her husband. Such statement shall contain the following information accurate for the budget period appropriate for grant determination (see Section 44-315.511):

.621 The stepfather's current monthly income;

.622 The wife's current monthly income;

.623 The source and amount of any other current monthly income;

.624 The type, amount, and ownership of any currently available credit arrangement;

.625 The amount of and manner in which the stepfather's current monthly income is kept, i.e., joint bank account; separate bank account in whose name; in cash; etc.;

DO NOT WRITE IN THIS SPACE

MAR 1 1972

CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

43-113 RESPONSIBILITY FOR SUPPORT (Continued)

43-113

AFDC

.626 Whether, how, and in what amount the stepfather's income is regularly made available to the mother, and if not, why not;

.627 Whether the stepfather and mother normally reside together, and if not, why not;

.628 The amount of, means of making, source of funds for, and which spouse makes each of the following payments each month, where applicable: food, housing, clothing, utilities, transportation, other expenses;

.629 Any other facts relevant to a determination whether the stepfather's income is or is not regularly made available to the mother.

.63 Certification

The statement (required in Section 43-113.62) shall be signed by the mother under penalty of perjury. For this purpose, the statement shall include the following:

"I declare under penalty of perjury that the foregoing statements on this form are true and correct."

DO NOT WRITE IN THIS SPACE

MAR 1 1972

CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

43-113 RESPONSIBILITY FOR SUPPORT (Continued)

43-113

AFDC

.64 Failure to Cooperate

Failure of the mother to cooperate in the presentation of the required statement shall be considered the mother's decision to withhold information essential to the determination of the eligibility of the child, except that if she appears unable to comprehend or enter into the procedure for establishing eligibility, action shall be taken by the county in accordance with Sections 40-128.3 and 40-157.313. If the exception does not apply, aid shall be denied, or discontinued.

DO NOT WRITE IN THIS SPACE

MAR 1 1972

**CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-133 TREATMENT OF INCOME - AFDC (Continued)

44-133

AFDC

.521 If his income meets their combined need, exclude his wife and his children from the AFDC family budget unit for purposes of both eligibility determination and grant computation. His wife's income, including so much of her community interest in his income actually available to her, is considered net income to the family budget unit. Her community interest in his income is the amount determined to be available to her according to Section 43-113.61 or the amount computed as follows, whichever is less:

- (a) Earnings: The remainder, up to one-half of his total earnings, after deducting the following:

The stepfather's prior support liability. (For purposes of this section, the prior support liability of the stepfather shall be limited to the actual amounts contributed by him whether voluntarily or under court order, to the support of his children by a woman other than his current wife.); and

\$300

plus

- (b) Other Income: One-half of all community income, such as interest and dividends, when not included in the determination set forth in Item (a) above.

DO NOT WRITE IN THIS SPACE

FACE SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

MAR 2 1972

Office of Administrative Procedure

ENDORSED

APPROVED FOR FILING
(GOV. CODE 11400.2)

MAR 2 1972

Office of Administrative Procedure

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: March 2, 1972

By: 

Director

(Title)


FILED

In the office of the Secretary of State
of the State of California

MAR 2 - 1972

At 4:05 o'clock P.M.

EDMUND G. BROWN Jr., Secretary of State

By: 
Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

FINDING OF EMERGENCY

The revision of the following regulation is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Revise:

Section 30-153.21
44-113.23

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. The Welfare Reform Act of 1971 (Chapter 578, Statutes of 1971) was enacted by the 1971 Legislature on August 11, 1971, and signed by the Governor on August 13, 1971. Section 43 of this legislation provides that the act shall become generally operative on October 1, 1971.
2. Section 44-113.23 et seq. was adopted September 29, 1971, on an emergency basis to implement Section 28.1 of the Welfare Reform Act of 1971.
3. On December 21, 1971, in compliance with a preliminary injunction issued by the Sacramento Superior Court in the case of Conover et al. v. Hall et al. Civil No. 215815 (pertaining to the implementation of Section 28.1 of the Welfare Reform Act of 1971), the Director of Social Welfare adopted, on an emergency basis, regulations revising Section 30-153 et seq. and Section 44-113 et seq. allowing the deduction of work-related expenses as provided by federal law and regulation.
4. The regulatory revisions set forth above are necessary for adoption on an emergency basis both to prevent undue hardship upon affected recipients which would prevent their continuation in approved training programs and to equitably adjust the reimbursement or deduction of necessary costs of transportation.

The revision described above must therefore be adopted as an emergency measure to become effective upon filing with the Secretary of State.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

30-153 COSTS OF SUPPORTIVE SERVICES RELATED TO OBTAINING AND
RETAINING EMPLOYMENT OR REHABILITATION LEADING TO EMPLOYMENT
(Continued)

30-153

AFDC

.21 Expenses for transportation to and from training shall be allowed on the same basis as for work-related transportation expenses according to Section 44-113.231(d).

.211 If, in the judgment of the county welfare director, a firm commitment exists to complete the payments for transportation expenses authorized for a recipient prior to October 1, 1971, these payments may be continued provided the county is able to establish that hardship would otherwise result which would not allow the recipient to continue his approved training program. In these cases, the county shall document the actual hardship in the case record for future audit purposes. In all cases where the provisions of this section are applied to prevent undue hardship, payments authorized shall extend only until completion of the training assignment under which the commitment was made.

DO NOT WRITE IN THIS SPACE

Effective March 2, 1972

**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-113 NET INCOME (Continued)

44-113

AB
ATD
OAS
AFDC
APSB

.23 Work-Related Expenses — The following shall be considered as work-related expenses and shall be allowed, subject to stated limitations, when not reimbursed by the employer.

.231 Personal Expenses

(a) Minimum amounts involuntarily withheld for income tax, social security and compulsory retirement, unemployment and disability insurance contributions.

(1) State and federal participation is not available in any case in which the county fails to assure, in accordance with Section 44-103.1, that the applicant or recipient employee claims or is taking all action necessary to claim the maximum number of dependents.

(2) Aid, in accordance with Section 44-103.2, shall be denied to or discontinued for the applicant or recipient who fails to claim or take action to claim the maximum number of dependents.

(3) A refund of income taxes or retirement contributions is net nonexempt income in the month it is received. Such income does not qualify for the earned income exemption.

(b) Child Care — The reasonable and necessary cost of obtaining such care shall be allowed when the county determines that adequate care for the recipient's children cannot be provided during his working hours by nonworking persons in his household. However, the amount allowed shall not exceed the cost of securing such care through a child care facility meeting the standards outlined in Chapter 30-350 (Child Care Services) when the county determines that such a facility is available to the recipient.

(c) Additional Food, Clothing and Personal Incidentals — The actual cost of food, clothing and personal incidentals which are required solely for employment shall be allowed to the extent such costs are determined by the county to be reasonable and necessary.

The applicant or recipient must bear the full burden of justifying the existence of and need for all costs claimed under this subsection.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-113 NET INCOME (Continued)

44-113

AB
APSB
ATD
OAS
AFDC

.231 Personal Expenses (Continued)

(d) Transportation - The necessary costs of transportation to and from work shall be allowed as follows:

- (1) If the recipient uses his own motor vehicle -
12¢/mile less any amounts contributed by persons who ride with him. If the total amount contributed is greater than 12¢/mile, the excess shall be net nonexempt income to the recipient.
- (2) If the recipient rides in a private motor vehicle other than his own - the amount contributed by the recipient to the owner or driver of the motor vehicle, provided such amount is reasonable and does not exceed 6¢/mile.

The amount allowed for transportation costs in any of the above situations may not exceed the actual cost of public transportation (bus, train or street car), if the county determines that it is available to the recipient.

DO NOT WRITE IN THIS SPACE

Effective March 2, 1972

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-113 NET INCOME (Continued)

44-113

AB
APSB
ATD
OAS
AFDC.232 Nonpersonal Expenses

- (a) Costs for transportation to call on customers. See Section 44-113.231(d), above for limitations.
- (b) The reasonable and necessary cost of tools, materials and licenses which are required for employment.
- (c) The reasonable and necessary cost of dues to a union or employee association when membership in the union or association is a requirement for employment.

.233 Business Expenses — The reasonable and necessary cost of expenses which are incurred in the production of income by a self-employed person shall be allowed. The recipient must bear the full burden of proof for justifying the existence of and need for any expense allowed under this classification. (See Section 44-113.1 for limitation on principal and interest payments.)

DO NOT WRITE IN THIS SPACE

FACE SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

MAR 17 1972

Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING
(Gov. Code 11380.2)

MAR 17 1972

Office of Administrative Hearings

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: March 17, 1972

By:

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

MAR 17 1972

At 2:00 o'clock P.M.

EDMUND G. BROWN Jr., Secretary of State

By: Merpie R. Hershberger
Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

FINDING OF EMERGENCY

The revision of the following regulation is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Revise:

Section 22-021.2
22-022.1
22-022.3
22-023
22-027.1

Repeal:

Section 22-025.12

Renumber:

Section 22-025.12 (from former 22-025.13)

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATION
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. On December 10, 1971, the United States District Court, Northern District of California, in the case of Yee-Litt v. Richardson and Carleson enjoined the Director, State Department of Social Welfare, from withholding welfare assistance benefits to those recipients who had filed a timely request for a fair hearing until a decision had been made in each such case.
2. On January 17, 1972, the Director filed with that court his Motion to Vacate the court's order of December 10, 1971, accompanied by regulations prepared by him for the court's approval which were designed to ensure that he could properly enforce the provisions of 45 CFR 205.10(a)(5)(iii)(a)(1). Those regulations are described above.
3. On March 16, 1972, that court entered its order modifying its December 10, 1971, order to allow the Director, State Department of Social Welfare, to file and implement the regulations so described above. The Court on that date further ordered that the Director report to it by affidavit when these regulations had gone into effect statewide.
4. The immediate promulgation of these regulations is required for the protection of public funds as public assistance benefits must be paid to many recipients who are not legally entitled thereto, and to comply with the court's order of March 16, 1972.
5. Failure to adopt these regulations would be contrary to the statements made to the Court by the Director, State Department of Social Welfare, in his affidavit filed on January 17, 1972.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

6. Therefore, the failure to adopt these regulations on an emergency basis would necessarily be contrary to the health, safety and general welfare of the people of this State.

Adoption of these regulations is required effective immediately upon filing with the Secretary of State.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

22-021 EXPLANATION OF RIGHT TO FAIR HEARING (Continued)

22-021

- .2 Written notice of the right to a fair hearing shall be included in every notification to the applicant or recipient of the granting, denial, decrease, discontinuance, suspension or increase in aid, or request for repayment, and to an adult child when the determination is made that he is liable for contributions or where there is a change in a prior county determination regarding aid. In all cases, the notice shall be prepared on State Department of Social Welfare Form ABCD 239 and mailed to the claimant or recipient in duplicate and in language understandable to the person receiving such notification.

22-022 ASSISTANCE PENDING HEARING

22-022

- .1 Where the county action would result in a termination, suspension, or reduction of an assistance grant, the county must mail to the person affected, at least fifteen days prior to the effective date of that action, a written notice on State Department of Social Welfare Form ABCD 239, in duplicate, which will include:

22-022 ASSISTANCE PENDING HEARING (Continued)

22-022

- .3 Where the person affected has filed his request for a fair hearing within the fifteen-day period, the assistance will be continued, without change, until the fair hearing decision is rendered, unless prior thereto the Chief Referee determines that the issue involved in the fair hearing request is one of state policy and not one of fact or judgment in the individual case, including a question of whether State rules were correctly applied by the county to the

**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

22-022 ASSISTANCE PENDING HEARING (Continued)

22-022

facts of the case. In no case, however, shall such determination be made by the Chief Referee until after receipt by him of a report from the county welfare department in accordance with the requirements of Section 22-023.1. In all cases, when the Chief Referee does determine the issue, he shall base his determination on the information contained in the county Notice of Proposed Action (see Section 22-022.1), and in the county report (see Section 22-023.1) and in the recipient's request for fair hearing.

DO NOT WRITE IN THIS SPACE

Effective March 17, 1972

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

22-023 COUNTY WELFARE AGENCY RESPONSIBILITY PRIOR TO THE FAIR HEARING

22-023

.1 Preliminary Review and Report to the Chief Referee

- .11 Upon receipt of the notice from the Chief Referee that a recipient has filed a request for a fair hearing with his office, the county shall immediately ascertain whether the request for fair hearing was filed within fifteen days after the mailing by the county of the notice required by Section 22-022.1 above. If the request was not filed within that fifteen-day period, the county shall immediately notify the Chief Referee of such fact.
- .12 If, pursuant to Section 22-023.11 above, the county determines that the fair hearing request, was timely filed within the fifteen-day period, the county shall immediately contact the claimant and his authorized representative, if any, to obtain the facts pertaining to whether his claim involves only a question of state agency policy and not one of fact or judgment relating to the individual case, including a question of whether the state agency rules or policies were correctly applied to the facts of the particular case.
- .121 The contact required by Section 22-023.12 shall be by telephone or in person. If, after due diligence, both such methods prove to be unsuccessful, the county shall mail to the claimant a request that the claimant, within seven days, contact a designated

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

22-023 COUNTY WELFARE AGENCY RESPONSIBILITY PRIOR TO THE FAIR HEARING 22-023
(Continued)

county welfare employee (which person shall be someone who was not involved in making the original decision giving rise to the request for the fair hearing), informing the claimant that it is necessary for the county to obtain facts pertaining to the nature of the issues raised by his fair hearing request and further informing the claimant that his failure to respond to the request may result in the reduction, suspension or termination of his assistance pending a fair hearing decision in his case.

.13 After obtaining the information required by Section 22-023.12, the county shall reduce that information to writing on the bottom of the reverse side of a copy of the Form ABCD 239 involved in the case or on a separate sheet attached thereto and shall forward a copy of that completed form and information to the Chief Referee within five (5) working days after receipt by the county of the notice that a fair hearing request has been filed. The county shall include on the copy of the Form ABCD 239 the date on which the original form was actually mailed to the particular claimant.

.131 If the county is unable to comply with the time-period requirement imposed by Section 22-023.13 because the county was required to make written contact with the claimant, then the county shall comply with the reporting requirements of Section 22-023.13 forthwith after receipt by the county of the information required by Section 22-023.12.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATION...
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

22-023 COUNTY WELFARE AGENCY RESPONSIBILITY PRIOR TO THE FAIR HEARING 22-023
(Continued)

.132 If the claimant refuses or fails to provide the county with the requisite facts pertaining to the nature of the issues raised by his fair hearing claim, the county shall forward to the Chief Referee, not later than two days after the elapsing of the seven-day period provided for in Section 22-023.121, a copy of the Form ABCD 239 involved in the case together with a summary of the dates and manner of compliance by the county with the requirements of Sections 22-023.12 and 22-023.13 and a statement concerning the refusal or failure of the claimant to provide facts concerning the fair hearing issues raised by his claim.

.133 In no case shall the reports required by Sections 22-023.131 or 22-023.132 be submitted by the county to the Chief Referee later than twelve (12) days after receipt by the county of the notice from the Chief Referee that a request for a fair hearing has been filed with his office.

.2 Preparation for the Hearing - Prior to the fair hearing, the county welfare department shall:

.21 Review the applicable State law, regulations and policies in light of the evidence. When assistance of the State Department of Social Welfare is required to clarify any question, such assistance shall be sought without delay.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

22-023 COUNTY WELFARE AGENCY RESPONSIBILITY PRIOR TO THE FAIR HEARING 22-023
(Continued)

- .22 Organize all oral and written evidence and plans for its presentation at the hearing to avoid unnecessary delay or duplication. Where county policy directives or instructions are involved in the matter, copies of those documents shall be presented at the hearing.
- .23 Arrange for the attendance of all necessary witnesses and the availability of all documents for presentation of the county's case, including notification to the Chief Referee, of any communication problem possessed by the claimant.
- .24 If the issue is:
- .241 amount of aid;
 - .242 grant adjustment; or
 - .243 demand for repayment;
- prepare a complete final budget computation, month by month, for the period subject to review, and up to the date of hearing.
- .25 Continue to remain in touch with the claimant, and to report without delay to the Chief Referee any change in the circumstances of the applicant or recipient, or in his address, or in any other area which might affect the necessity for or conduct of the hearing. This responsibility continues after the hearing, and at least until a decision is rendered.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
**FILING ADMINISTRATIVE REGULATION
WITH THE SECRETARY OF STATE**
(Pursuant to Government Code Section 11380.1)

22-023 COUNTY WELFARE AGENCY RESPONSIBILITY PRIOR TO THE FAIR HEARING 22-023
(Continued)

- .26 Arrange to have present at the hearing a county welfare department representative with full authority to make binding agreements and stipulations on behalf of the county welfare department.

22-025 HEARING NOT HELD IN COUNTY RESPONSIBLE FOR AID (Continued) 22-025

- .12 send the case record, containing all relevant information in the county welfare department's possession, to the welfare department of the county in which the claimant is living, with the request that the second county welfare department represent the responsible county at the hearing. Such request should be made in sufficient time to allow the second county welfare department to arrange such representation or notify the first county welfare department of its inability to act. The first county welfare department would then, necessarily, follow one of the other two procedures.

22-027 COMPLIANCE WITH STATE DEPARTMENT OF SOCIAL WELFARE DECISIONS 22-027

- .1 Immediately upon receipt of notice of the decision (excepting decisions rendered in appeals by an adult child liable for contributions, (see Section 22-027.3) the county shall comply with the decision and shall notify the Office of the Chief Referee by completing a compliance form issued by the State Department of Social Welfare or shall request a rehearing. If the decision is in favor of the claimant on the issue involved, but aid has not been paid by the county, the notice to the State shall include a complete statement of the reasons why the county has not complied with that decision.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATION
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

The following section is to be repealed effective March 17, 1972:

Section 22-025.12

DO NOT WRITE IN THIS SPACE

Effective March 17, 1972

FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

MAR 27 1972 *mkd*

Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING

(Gov. Code 11380.2)

MAR 27 1972

Office of Administrative Hearings

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true
and correct copy of regulations adopted, or
amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: MARCH 27, 1972

By: *[Signature]*

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California *mkd*

MAR 27 1972

At 11:55 o'clock, A. M.

EDMUND G. BROWN, Jr., Secretary of State

By: *[Signature]*
Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

FINDING OF EMERGENCY

The revision of the following regulation is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Revise:

Section 44-209.5

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. Authority and responsibility for establishing rate schedules of benefits for recipients of Old Age Security, Aid to the Disabled and Aid to the Blind (Adult Aids) in specialized out-of-home care were placed with the Director of Social Welfare by Chapter 1502, Statutes 1971, effective March 4, 1972.
2. In order to provide a cost-of-living adjustment for adult aid recipients in specialized out-of-home care, the Director desires to immediately implement a cost-of-living increase effective April 1, 1972, pursuant to the rate adjustment authority granted to the Director of Social Welfare by Chapter 1502 of the Statutes of 1971. Such implementation will assure these recipients the ability to continue to obtain the quality of care needed.
3. The failure to grant this increased rate adjustment on an emergency basis would necessarily be adverse to the public health, safety and general welfare of the State of California.

The amendments to the regulation set forth above must, therefore, be adopted as an emergency measure to be effective on April 1, 1972.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-209 MINIMUM NEEDS OF RECIPIENTS IN NONMEDICAL BOARD AND CARE
AND INTERMEDIATE CARE FACILITIES (Continued)

44-209

AB
ATD
OAS

5 Determination of Need — Recipient in Group I or Group II Nonmedical Board and Care Facility

Need of the recipient who is classified for Group I or Group II care is determined as set forth below in relation to the level of care he requires and receives. Special needs are not allowed.

Need Items	Group I Minimum to Moderate Care and Supervision	Group II Extensive care and Supervision
A. Board, room, personal care and supervision. Allow charge for care* <u>not to exceed</u> Components of maxima 1) Shelter and utilities 2) Food 3) Personal care and supervision, including minimum basic services normally required for licensing.	\$173.00	\$198.00
B. Personal and Incidental Needs** (Personal expenses, transportation, recreation, etc.)	\$ 38.00 (\$1.25 per day)	\$ 24.00 (80¢ per day)
C. Clothing, dry cleaning, extra laundry, shoe repair and other similar needs not normally provided by the facility.	\$ 15.00 (50¢ per day)	\$ 15.00 (50¢ per day)
D. Totals — Based on <u>maxima</u> for board, care and supervision.	\$226.00	\$237.00

* If the charge per month exceeds the specified ceiling, see Section 44-111.422 c.

** If these needs are provided in whole or in part by the facility for an additional service charge, the recipient may need to use all or a portion of this allowance to pay the facility for these services.

DO NOT WRITE IN THIS SPACE

Effective 4/1/72

FACE SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

MAR 28 1972

Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING
(Gov. Code 11380.2)

MAR 28 1972

Office of Administrative Hearings

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: MARCH 27, 1972

By: *[Signature]*

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

MAR 28 1972

At 4:10 o'clock P. M.

EDMUND G. BROWN, Jr., Secretary of State

By: *[Signature]*
Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

FINDING OF EMERGENCY

The revision of the following regulation is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Revise:

Section 30-155.7
30-158.11
30-158.23
30-162.2
30-163.3
42-101.3
42-103.2
44-103.24
44-103.242

Repeal:

Section 44-213.51
44-213.53
44-213.55
44-213.56

Renumber:

Section 44-213.51 (renumbered from 44-213.54)

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. Chapter 24 of the Statutes of 1972 (Assembly Bill 734), by repealing and reenacting Section 11253 of the Welfare and Institutions Code, negated the effect of Chapter 1748 of the Statutes of 1971 upon the AFDC program.
2. This 1972 legislation makes 18, 19, and 20 year old children eligible for AFDC under the condition imposed by Section 11253.
3. This legislation became effective on March 14, 1972.
4. Implementation of this legislation must be accomplished through regulations adopted by the Director of the State Department of Social Welfare.
5. In order to implement this legislation in a timely manner to be consistent with legislative intent, it is necessary to adopt these regulations on an emergency basis.

The regulatory changes set forth above are adopted as emergency measures to become effective upon filing with the Secretary of State.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

30-155 REQUIREMENTS FOR REFERRAL OF AFDC RECIPIENTS TO EMPLOYMENT 30-155
OR REHABILITATION LEADING TO EMPLOYMENT (Continued)

AFDC .7 A youth, age 16 through 20, who is not in school, shall be required to apply for and accept a bona fide offer of employment unless an educational plan is under active consideration for implementation within 90 days, or when employment is not feasible because of disability. (See Section 44-103.21.)

30-158 PENALTY FOR REFUSAL TO COOPERATE WITHOUT GOOD CAUSE 30-158
(Continued)

AFDC .11 A parent, or youth, age 16 through 20, referred to WIN who does not have good cause for refusal to apply for or accept employment or training as defined in Section 30-157 and determined by the Department of Human Resources Development, shall be offered a 60-day counselling period to reconsider the refusal.

30-158 PENALTY FOR REFUSAL TO COOPERATE WITHOUT GOOD CAUSE 30-158
(Continued)

AFDC .23 An AFDC youth, age 16 through 20, not in school and not referred to WIN, who does not have good cause for refusal to apply for or accept a bona fide offer of employment or training, renders himself ineligible for inclusion in the assistance grant. (See Sections 30-155.7 and 44-103.24.)

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

**30-162 PERSONS APPROPRIATE FOR REFERRAL TO WORK INCENTIVE
PROGRAM (Continued)**

30-162

AFDC

.2 AFDC Youth 16 through 20 Years of Age

All AFDC youth, age 16 through 20, who have left school or training within the past 30 days, who are not disabled, and who do not have current educational plans which will be implemented within 90 days, shall be referred promptly to WIN.

30-163 PERSONS NOT APPROPRIATE FOR REFERRAL TO WIN (Continued)

30-163

AFDC

.3 A youth age 16 through 20 who is attending school full time or who will return to school within 90 days.

42-101 AGE REQUIREMENT (Continued)

42-101

AFDC

.3 A child is eligible on the basis of age until his 16th birthday only if he is unmarried.

.31 Aid may be granted in behalf of a child if he is unmarried and between his 16th and 21st birthdays and is regularly attending school or a training program or if enrolled in an institution of higher education he must be:

.311 Attending regularly on a full-time basis (the equivalent of at least 12 units), and

.312 Achieving a combined quarter or semester average grade that is passing, and

DO NOT WRITE IN THIS SPACE

MAR 28 1972

CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

42-101 AGE REQUIREMENT (Continued)

42-101

AFDC

.313 Progressing in a manner which, if sustained, can reasonably be expected to lead to graduation and a capability of self-support.

.32 Aid may be granted in behalf of a child if he is unmarried and between his 16th and 18th birthdays and

.321 is physically or mentally disabled

or

.322 is employed and contributing to the family, or applying his earnings to a plan approved by the county department for his further education or preparation for future employment, provided that his earnings set aside for education or training are placed in an irrevocable trust for such purposes, with the county and the parents designated as joint trustees.

42-103 DEFINITION OF REGULAR SCHOOL OR TRAINING PROGRAM
ATTENDANCE (Continued)

42-103

AFDC

.2 Regular Attendance in a Training Program - Participation in a planned coordinated program of work experience, training (including apprenticeship training) and related instructions designed to prepare the child for a vocation. A child age 16 through 20 who accepts referral to WIN and otherwise meets conditions established for WIN participants is considered to meet the age requirement from the date of referral, even though actual enrollment in training is precluded by the lack of WIN training slots.

MAR 28 1972

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-103 EXPLORATION OF INCOME POTENTIALS AND INCOME VERIFICATION 44-103
(Continued)AFDC

.24 In AFDC, the parents and children age 16 through 20 years of age are also responsible for applying for or accepting a bona fide offer of employment under a plan of self-support established by the social services system (see Sections 30-153 and 30-155).

44-103 EXPLORATION OF INCOME POTENTIALS AND INCOME VERIFICATION 44-103
(Continued)AFDC

.242 Refusal without good cause by a child age 16 through 20 years of age to apply for or to accept employment, when the child is not in school or has no bona fide educational plan under consideration for implementation within the next three months, shall make the child ineligible for aid and shall result in such child's removal from the family budget unit (see Section 44-213.56).

44-213 THE FAMILY BUDGET UNIT (Continued) 44-213

AFDC

.51 Exclude a person who receives OAS, AB, APSB or ATD.

DO NOT WRITE IN THIS SPACE

MAR 28 1972

56186-750 9-71 28M OSP

CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following sections are to be repealed effective MAR 28 1972

Section 44-213.51
44-213.53
44-213.55
44-213.56

DO NOT WRITE IN THIS SPACE

MAR 28 1972

FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

APR 19 1972

Office of Administrative Hearings

ENDORSED
APPROVED FOR FILING
(Gov. Code 11385.2)
APR 19 1972

Office of Administrative Hearings

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: APR 19 1972

By: 

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

APR 19 1972

At 5:20 o'clock P.M.

EDMUND G. BROWN Jr., Secretary of State

By 
Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

FINDING OF EMERGENCY

The revision of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Revise:

Section 10-036.533
30-265.2
30-265.3
40-125.25
42-503.1
42-503.5
42-505.2
42-505.21
42-511
44-209.1
44-209.2
44-209.32
44-209.4
44-211
44-301
44-305.11
44-305.21
44-311.121
44-311.122
44-315.22

Repeal:

Section 44-209.6
44-303.34
44-315.4
10-036.42
10-036.5
10-036.51

New:

Section 10-036.5

Renumber:

Former Section 44-315.5 to 44-315.4
Former Section 44-315.6 to 44-315.5

Former Section 10-036.52 to 10-036.51
Former Section 10-036.53 to 10-036.52

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

The Director of the Department of Social Welfare finds that an emergency exists and that the adoption of the attached regulations are necessary for the immediate preservation of the public welfare and that notice and proceedings are impracticable. The facts supporting such findings are as follows:

1. Amendments to the Federal Social Security Act, effective January 1, 1972, brought intermediate care facility services under Title XIX of said act (Medicaid).
2. In order to comply with these amendments, to make such services available to the medically needy and continue the availability to public assistance recipients, and to enable the state to obtain federal financial participation in payment for such services the Legislature on March 23, 1972, enacted urgency legislation (Assembly Bill 249) to take effect immediately. This legislation requires the transfer of supervision of intermediate care facility services from the Department of Social Welfare to the Department of Health Care Services.
3. In order to effect the transfer of intermediate care facility services from the Department of Social Welfare to the Department of Health Care Services in compliance with state and federal law and acting under the urgent necessity of retaining federal financial participation in payment for intermediate care facility services, the listed regulations are, therefore, adopted as emergency regulations to become effective immediately upon filing with the Secretary of State as provided in Sections 11422(b) and 11422(c) of the Government Code.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

10-036 CONTROL METHOD FOR OUT-OF-HOME CARE - ADULTS (Continued) 10-036

.5 Referral to County Welfare Department:

- .51** Make referrals to county welfare department for social services needed by recipients in intermediate care and nursing homes.
- .52** Refer to the county welfare department request for action:
- .521** To transfer recipient to a different level of care.
- .522** To arrange for a recipient's discharge from out-of-home care and to assist with his return to the community.
- .523** Furnish county welfare departments with copies of all social service assessments for recipients in nursing home care and intermediate care.

30-265 TYPES OF OUT-OF-HOME CARE FACILITIES (Continued) 30-265

.2 Intermediate Care Facility

or authorized

Intermediate care is provided in a facility licensed/by the State of California. Admission shall be prescribed as set forth in Title 22, Division 3, The California Administrative Code.

- .21** Social services shall be provided by the county welfare department. Such services may be requested by the Medi-Cal beneficiary, attending physician, team, or others.
- .22** An annual social service assessment is required for cash grant recipients. This requirement is met by the Medical Social Review Team's assessment.

30-265 TYPES OF OUT-OF-HOME CARE FACILITIES (Continued) 30-265

.3 Nursing Home Care or Hospital Care

Nursing home care or hospital care is provided in a facility licensed or authorized by the State of California.

CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

30-265 TYPES OF OUT-OF-HOME CARE FACILITIES (Continued)

30-265

.3 Nursing Home Care or Hospital Care (Continued)

Care in a nursing home or hospital includes continuous skilled nursing care and medical supervision. This level of care is available to Medi-Cal beneficiaries subject to the requirements and limitations set forth in Title 22, Division 3, The California Administrative Code.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

40-125 PROCESSING APPLICATIONS, REAPPLICATIONS, AND RESTORATIONS (Continued) 40-125

AB .25 Medical Facility - As used herein means an intermediate care facility,
ATD a nursing home, or hospital, including a facility licensed by the
OAS the Department of Mental Hygiene for the care of the mentally ill.
AFDC (Section 40-189.23)
MN

42-503 DEFINITIONS

42-503

AB .1 Institution

ATD

OAS

AFDC

An institution is a public or private facility which provides shelter and care, treatment of physical or mental illness, custody (nonmedical) or restraint (penal or correctional). An institution may be a hospital, nursing home, intermediate care facility, board and care home (for AFDC, licensed for more than six children), prison or other correctional facility.

42-503 DEFINITIONS (Continued)

42-503

AB .5 Medical Institution

ATD

OAS

AFDC

A medical institution is any public or private hospital, nursing home, intermediate care facility, or other medical facility which is licensed or formally approved as a hospital, nursing home or intermediate care facility by an officially designated State standard-setting authority and is certified to receive patients for inpatient care under the Medi-Cal program. Subject to this requirement a medical institution includes public or private general hospitals, tuberculosis hospitals and hospitals for the mentally ill or mentally retarded. A federal hospital is also classified as a medical institution though not eligible to participate in the Medi-Cal program.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

42-505 ELIGIBILITY IN A PUBLIC INSTITUTION (Continued)

42-505

AB .2 Public Medical Institution or Intermediate Care FacilityATDOAS.21 Adult

An otherwise eligible "patient" in a public medical institution or a patient in a facility approved for intermediate care as provided in Title 22 of the California Administrative Code is eligible to receive aid except as provided in Sections .211 through .214 below. (Even though ineligible under one or more of these subsections, the person may apply for and, if otherwise eligible, receive his first monthly payment before leaving the institution as provided in Section 42-517 below.)

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
**FILING ADMINISTRATIVE REGULATIONS
 WITH THE SECRETARY OF STATE**
 (Pursuant to Government Code Section 11380.1)

42-511 ELIGIBILITY IN A PRIVATE INSTITUTION

42-511

AB
ATD
OAS

An otherwise eligible "patient" or inmate in a private institution, including a private medical institution is excluded from eligibility to receive aid only when one or more of the conditions specified in Sections .1 through .3 below, exist.

(A private hospital, nursing home, or intermediate care facility, which is not certified for Medi-Cal is considered in the same manner as a nonmedical institution. The otherwise eligible patient or inmate in such facility may receive aid unless excluded under Sections .1 through .3 below. See Section 44-211.2 for need determination in such facility.)

44-209 MINIMUM NEEDS OF RECIPIENTS IN NONMEDICAL BOARD
 AND CARE FACILITIES

44-209

AB
ATD
OAS

.1 Purpose

The primary purpose of these regulations is to (a) define the various levels of out-of-home care which may be required by a recipient and (b) establish criteria and need standards, for those levels of care which fall specifically within the scope of the OAS, AB and ATD programs, which will enable the recipient to obtain the level of care most appropriate to his needs.

Group I and Group II nonmedical board and care are the two levels of out-of-home care which fall specifically within the scope of the OAS, AB and ATD programs, and these regulations are directed primarily to these two levels of care.

Care in hospitals, nursing homes and intermediate care facilities represent additional levels of out-of-home care available in OAS, AB and ATD recipients who require inpatient medical or health-related care. However, criteria and need standards for such care fall within the scope of the Medi-Cal program and are covered in Medi-Cal regulations. (See Title 22, Division 3, California Administrative Code)

DO NOT WRITE IN THIS SPACE

Effective APR 19 1972

56186-750 9-71 25M OSP

CONTINUATION SHEET
JR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

44-209 MINIMUM NEEDS OF RECIPIENTS IN NONMEDICAL BOARD
AND CARE FACILITIES (Continued)

44-209

AB The regulations set forth herein are intended to:

ATDOAS

- a. Integrate, insofar as is possible, the system for providing nonmedical board and care with the system for providing intermediate or medical out-of-home care;
- b. Assist the individual to obtain the level of care most appropriate to his needs; and

- c. Facilitate prompt changes from one level of care to another when the type of care required by the individual changes.

.2 Definitions and General Information

.21 Out-of-Home Care

"Out-of-home care" as used herein is a protective living arrangement outside the individual's own home where, as a minimum, he receives board, room, personal care and designated supplementary services related to his individual needs. (See .3 below)

"Out-of-home care" within the scope of these regulations is nonmedical and includes care provided in:

- a. Facilities licensed to provide residential care,
- b. State certified family care homes,
- c. Homes of friends, relatives or other facilities which provide personal care and supervision but are not licensed because, under state law, they are not subject to any licensing requirements.

.22 Nonmedical Board and Care Facility

A "nonmedical board and care facility", as used herein, is interpreted broadly to include homes or facilities described in Section .21, subsections a, b, and c above.

44-209 MINIMUM NEEDS OF RECIPIENTS IN NONMEDICAL BOARD AND CARE
FACILITIES (Continued)

44-209

.32 Medical Care

.321 Intermediate Care

ABATDOAS

Intermediate care, as distinguished from nonmedical board and care, is health related and, in addition to personal and social care, includes supportive, restorative and preventive health services, and intermittent skilled nursing care. This level of care is available to recipients subject to the limitations and requirements set forth in Title 22 of the Administrative Code.

Services provided for recipients in intermediate care facilities are set forth in Section 30-265.2.

Effective APR 19 1972
961867100-71 25M OSP

**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-209 MINIMUM NEEDS OF RECIPIENTS IN NONMEDICAL BOARD AND
CARE FACILITIES (Continued)

44-209

AB
ATD
OAS

.322 Inpatient Care in a Nursing Home or Hospital

Care in a nursing home or hospital includes continuous skilled nursing care and medical supervision. This level of care is available to OAS, AB and ATD recipients subject to the limitations and requirements set forth in Title 22 of the Administrative Code.

44-209 MINIMUM NEEDS OF RECIPIENTS IN NONMEDICAL BOARD AND CARE
FACILITIES (Continued)

44-209

AB
ATD
OAS

.4 Responsibilities of County Staff

A close working relationship between the services system and the income maintenance system in the county is essential to assure that the individual is classified for and receiving the level of care he needs, and that the aid payment to him is in the correct amount. (See Section 30-260)

.41 County Services System Responsibilities

The county services system has primary responsibility for social assessments and for determination of the appropriate level of care, i. e., Group I or Group II, for recipients in nonmedical board and care facilities. Specific responsibilities of the services system are set forth in Sections 30-260 and 30-265.

.42 Income Maintenance System Responsibilities

The income maintenance system has primary responsibility for the determination of eligibility of recipients in and nonmedical out-of-home care /for assuring that aid payments are in the correct amount based upon the appropriate level of care as determined by the county services system.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

44-209 MINIMUM NEEDS OF RECIPIENTS IN NONMEDICAL BOARD AND CARE
FACILITIES (Continued)

44-209

AB
ATD
CAS

Other specific responsibilities of the income maintenance system with respect to recipients in out-of-home care include:

- a. Initiation of request to the services system for determination of appropriate level of care and for placement services, as needed. Such requests will be made on:
 1. New applications where the individual is already living in out-of-home care or such care appears needed and there is no current determination of the level of care required.
 2. Continuing cases where the recipient is in nonmedical board and care and a redetermination of the appropriate level of care is needed. (See Section 30-265.) Such requests are to be directed to the services system sufficiently in advance to permit redetermination.
 3. Continuing cases where some change in living arrangement or in level of care appears to be indicated.
- b. Assuring that all necessary documentation is in the county record, including current documentation to support the aid payment, and the level of care required and received by the individual.

.43 Controls

Controls must be established and maintained which will assure that timely review and reevaluation of the individual's needed level of care is made as provided in Section 30-260.

DO NOT WRITE IN THIS SPACE

Effective APR 19 1972

56106-750 9-71 25M OSP

**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-211 MINIMUM NEEDS OF RECIPIENTS IN MEDICAL FACILITIES AND
INTERMEDIATE CARE FACILITIES

44-211

AB .1 Applicant or Recipient is a Patient in a Medical Facility or an
ATD Intermediate Care Facility Which is Certified to Provide Inpatient
OAS Care Under the Medi-Cal Program or for ATD or OAS in a Federal
Medical Institution

.11 Needs During Temporary Period of Care in Facility

Minimum needs based upon the individual's living arrangements prior to admission to the [] facility are presumed to continue during a temporary period of care in the [] facility, i.e., during the month of admission and the following month provided a living arrangement outside the [] facility is being retained by or for the recipient. If, during the temporary period of care in the [] facility, a living arrangement is being retained in a nonmedical board and care facility, need during the period of absence will be based on the "holding rate" for his room in the nonmedical facility during such absence.

If no living arrangement is being retained outside the [] facility, need is determined as specified in .13 below, effective the first of the month following admission to the [] facility.

.12 Temporary Visits Outside Facility

For the purpose of need determination, as provided in .11 above, temporary care is not usually considered to be interrupted by short visits outside the facility (no discharge) or if the discharged patient is readmitted to a similar facility within 10 days after his discharge.

.13 Needs After Temporary Period of Care Expires

If the patient remains in the [] facility beyond a temporary period, his need thereafter is limited to \$15 a month for needs not provided by the facility. (See Section 40-183 regarding intraprogram status change from cash grant to Medically Needy when the patient's income is such he no longer is eligible to receive a cash grant.)

.2 Applicant or Recipient is Not a "Patient" in the Medical Facility
or Intermediate Care Facility or the Facility is not Certified
to Receive Patients for Inpatient Care Under the Medi-Cal Program

.21 Private Facility

Minimum needs of the applicant or recipient in such facility shall be determined in the same manner as minimum needs of the recipient in nonmedical board and care subject to the limitations set forth in Section 44-209.5.

.22 Public Facility

Eligibility to aid does not exist if the facility is public.

DO NOT WRITE IN THIS SPACE

Effective

APR 19 1972

56186-750 9-71 25M OSP

**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-301 MONEY PAYMENT PRINCIPLE

44-301

AB
ATD
OAS
AFDC

Each individual or family has the right to manage his own affairs; to decide what use of his money, including the aid payment, will best serve his interests; and to make his purchases through the normal channels of exchange, enjoying the same rights and discharging responsibilities in the same manner as other members of the community.

Aid payments shall be made in conformity with the money payment principle except when a problem in money management exists (see Section 44-307), or when authorized sanctions are applied where a person, without good cause, fails to cooperate in an established WIN program (see Section 30-158).

Aid payments are for the benefit of the recipient only and do not constitute income to any other person.

44-305 AID PAYMENTS - PAYEE AND DELIVERY

44-305

AB
ATD
OAS

.1 To Whom Paid and Delivered.11 Adult Recipient

The warrant shall be paid only to the adult recipient unless the recipient has a legally appointed guardian or conservator or there is a substitute payee as provided in Section 30-222. In such case, the payment is to made to such guardian, conservator or substitute payee.

The warrant is to be delivered only to the payee or otherwise according to the payee's instructions.

44-305 AID PAYMENTS - PAYEE AND DELIVERY (Continued)

44-305

AB
APSB
ATD
OAS

.21 Regular aid payments to OAS AB, APSB, and ATD recipients shall be delivered monthly in advance on the first day of the month.

DO NOT WRITE IN THIS SPACE

Effective

APR 19 1972

**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-311 STATUTORY MAXIMUM GRANTS - ADULT PROGRAMS (Continued)

44-311

AB
ATD
OAS

.121 Grant Maximum for Recipients in Nonmedical Board and Care

Maximum grant for recipients classified for nonmedical board and care are limited to needs as specified in Sections 44-209.5

.122 Grant Maximum for Recipients in a Medical ☐ or Intermediate Care Facility

Most needs of such recipients are met from the Medi-Cal or Medicare programs or a combination of both. Accordingly, maximum grants for such recipients are limited to minimum need allowances as specified in Section 44-211.

44-315 AMOUNT OF AID (Continued)

44-315

AB
ATD
OAS

- .22 Subtracting the current nonexempt income from total need or, in OAS and AB, from the statutory maximum for the program if the statutory maximum is less than total need. (See Sections 44-311.11 and 44-311.12.)

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-315 AMOUNT OF AID (Continued)

44-315

AFDC

4. Determining Amount of Aid and Method of Computing Payment**.41 Child Living with Parent or Relative**

Calculate the amount of the grant as follows:

- (a) Based upon the size of the FBU (as determined under Section 44-213.3) determine the minimum basic standard of adequate care from the following schedule.

Size of Family Budget Unit	Minimum Basic Standard Of Adequate Care
1	\$125
2	210
3	255
4	314
5	362
6	408
7	449
8	496
9	543
10 or more	590

plus \$5 for each additional needy person

- (b) Round to the nearer dollar current net nonexempt income (see Chapter 44-100) with amounts ending in 50 cents or more rounded to the next higher dollar.
- (c) Subtract the amount computed in (b) from the amount computed in (a). If the remainder is less than or equal to zero, see Section 42-303.

If the remainder is greater than zero, this amount, or the appropriate amount from the table in Section 44-313, whichever is less, is the maximum aid payment for which state financial participation will be available.

- (d) Round to the nearer dollar the amount of recurring special needs the FBU is eligible to receive. Amounts ending in 50 cents or more should be rounded to the next higher dollar.

.411 Alternate Methods for Computing Payments

The aid payment is to be computed according to whichever of the following basic methods the county selects. The method selected shall apply to all family cases.

- (a) Concurrent Payment and Budget Periods — Grant for a particular month based only on income received and needs existing in that month.

Any deficiency in a previous month between total need and the sum of the aid payment and the income is not to be carried forward and allowed as a need in a subsequent month.

- (b) Budget Planning with Subsequent Payment — Grant for a particular month based on income received and needs existing and reported before the end of a prior budget planning period. If unforeseen changes in need or income occur, supplemental payment may be made if necessary to protect the child's welfare or local public funds.

The budget planning period will be a one-month period ending not more than one month prior to the date of the first installment.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-315 AMOUNT OF AID (Continued)

44-315

AFDC

.412

☐ Payment in Installments

Aid need not be paid in equal installments.

.42

☐ Child Living in a Foster Family Home or Private Institution

Effective April 1, 1970, and operative for all cases not later than July 1, 1970, the foster care payment is determined by:

- a. Rounding to the nearer dollar total net income of the child as determined under Chapter 44-100 and the sum of the county foster care rate and special need as determined under Section 10-225 and Section 44-271 respectively, with amounts ending in 50 cents or more rounded to the next higher dollar,

and

- b. Subtracting the rounded current net income from rounded total need.

The amount of the AFDC foster care payment is the exact amount of the difference between a. and b.

.5 ☐ Time Limitations on Reporting of Needs

Only needs which were reported before the end of the month or budget planning period are considered.

.51 ☐ Exception to Reporting Time of Change in Needs and Circumstances

- .511 ☐ When the change could not have been known or reported before the end of the month or the budget planning period because it occurred too late to give reasonable time to report within the period, or the report was not received due to communication difficulties, etc., such change is to be reflected in the aid payment if reported by the end of the following month or budget planning period, or if known in time to be processed with the main payroll, it may be reflected in the aid payment for the budget period in which it occurred.

- .512 ☐ When special circumstances, such as physical or mental incapacity, make it unreasonable to expect that a report could have been made promptly, such change is reflected in the aid payment for the month covered by the budget planning period in which the change occurred if reported as soon as could reasonably be expected.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following regulations are to be repealed effective **APR 19 1972**

44-209.6 Determination of Need - Recipient in Intermediate Care Facility

44-303.34

44-315.4 Recipient in Intermediate Care Living Arrangement

DO NOT WRITE IN THIS SPACE

FACE SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

APR 19 1972

Office of Administrative Hearings

ENDORSED
APPROVED FOR FILING
(Gov. Code 11380.2)
APR 19 1972

Office of Administrative Hearings

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

APR 19 1972

Dated:

By:

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

APR 19 1972

At 5:20 o'clock PM

EDMUND G. BROWN Jr., Secretary of State

By: *Margaret Neelle*
Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

FINDING OF EMERGENCY

The revision of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Title 22, Division 2

Revise:

Section 40214
42212

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The Director of the Department of Social Welfare finds that an emergency exists and that the adoption of the attached regulations are necessary for the immediate preservation of the public welfare and that notice and proceedings are impracticable.

The facts supporting such findings are as follows:

1. Amendments to the Federal Social Security Act, effective January 1, 1972, brought intermediate care facility services under Title XIX of said act (Medicaid).
2. In order to comply with these amendments, to make such services available to the medically needy and continue the availability to public assistance recipients, and to enable the state to obtain federal financial participation in payment for such services the Legislature on March 23, 1972, enacted urgency legislation (Assembly Bill 249) to take effect immediately. This legislation requires the transfer of supervision of intermediate care facility services from the Department of Social Welfare to the Department of Health Care Services.
3. In order to effect the transfer of intermediate care facility services from the Department of Social Welfare to the Department of Health Care Services in compliance with state and federal law and acting under the urgent necessity of retaining federal financial participation in payment for intermediate care facility services, the listed regulations are, therefore, adopted as emergency regulations to become effective immediately upon filing with the Secretary of State as provided in Sections 11422(b) and 11422(c) of the Government Code.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

DO NOT WRITE IN THIS SPACE

AMEND 42212. INTERMEDIATE CARE. Referral to the State Department of Public Health shall be made when an applicant or licensee wants to apply for an Intermediate Care license.

AMEND 40214. INTERMEDIATE CARE. Referral to the State Department of Public Health shall be made when an applicant or licensee wants to apply for an Intermediate Care license.

Effective APR 19 1972

FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

APR 19 1972

Office of Administrative Hearings

ENDORSED
APPROVED FOR FILING
(Gov. Code 11380.3)
APR 19 1972

Office of Administrative Hearings

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true
and correct copy of regulations adopted, or
amended, or an order of repeal by:

State Department of Social Welfare

(Agency)
APR 19 1972

Dated:

By:

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

APR 19 1972

At 5:20 o'clock P.M.

EDMUND G. BROWN Jr., Secretary of State

By: *Mary Anne Miller*
Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

FINDING OF EMERGENCY

The revision of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Revise:

Section 44-111.2
44-113.2
30-153.2
30-153.3
31-204

Repeal:

Section 44-113.25
44-114

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. Section 28.1 of the Welfare Reform Act of 1971 (Chapter 578, Statutes of 1971) established new statutory requirements concerning work-related expenses.
2. Subsequent to the enactment of this law, the case of Conover et al. v. Hall et al. was filed in the Superior Court of Sacramento County. This case relates to the provisions of Section 28.1.
3. The Director of Social Welfare has, since the enactment of the Welfare Reform Act of 1971, adopted emergency regulations implementing Section 28.1 and a preliminary injunction issued in the case of Conover et al. v. Hall et al.
4. Emergency regulations relating to work-related expenses have also been adopted to prevent undue hardship upon affected recipients and to equitably adjust the reimbursement or deduction of necessary costs of transportation.
5. It is necessary to continue in force by the adoption of these emergency measures the work-related expense regulations previously adopted with a uniform effective date to permit counties to continue allowing the deduction of work-related expenses as provided by federal law and regulation.

The revision described above must therefore be adopted as an emergency measure to become effective upon filing with the Secretary of State.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

**44-111 PAYMENTS EXCLUDED OR EXEMPT FROM CONSIDERATION AS
INCOME (Continued)**

44-111

.2 Exemption of Earned Income — General

ATD
OAS

- .21 In addition to the exemption specified in Section 44-111.11 above, the first \$20, plus one-half of the next \$60 a month, of gross earned income is exempt from consideration in determining the amount of the OAS or ATD payment.

See Section 44-101.5 for definition of "earned income." See Section 44-113.2 for the procedure to determine exempt and nonexempt net earned income.

AB

- .22 In addition to the exemption specified in Section 44-111.11 above, the first \$85 a month, plus one-half of any gross earned income in excess of \$85 a month, is exempt from consideration in determining the amount of the AB payment.

See Section 44-101.5 for definition of "earned income." See Section 44-113.2 for the procedure to determine exempt and nonexempt net earned income.

AFDC

- .23 The first \$30 of the combined gross earned income plus one-third of the remainder of such income of adults and children 14 and over who do not qualify for the student exemption (Section 44-111.24) is exempt.

See Section 44-101.5 for definition of "earned income." See Section 44-113.2 for the procedure to determine nonexempt net earned income.

- .231 The family exemption of earned income is computed by combining the gross earnings of persons subject to the exemption, subtracting \$30 and computing 1/3 of the remainder.

44-113 NET INCOME (Continued)

44-113

.2 Earnings

The appropriate method of determining nonexempt net earned income shall be selected from those set forth below.

.21 Earnings of Recipient

.211 Received Monthly or on Basis other than Recurring Lump Sum

a. As an Employee (Wages, Salary or Commissions)

- (1) Determine gross income from earnings; i.e., total income irrespective of expenses, voluntary or involuntary deductions.
- (2) Deduct the exempt income (see Section 44-111) from gross income.
- (3) Deduct all personal and nonpersonal work expenses (Sections 44-113.231 and .232) from the amount determined in Item 2.
- (4) Any remainder is considered nonexempt net income.

DO NOT WRITE IN THIS SPACE

AB
APSB
ATD
OAS
AFDC
MN

AB
ATD
OAS
AFDC

**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-113 NET INCOME (Continued)

44-113

AB
ATD
OAS
AFDC

b. From Self-Employment (Business Enterprise, Farming, etc.) or in Combination with Earnings as an Employee

- (1) Determine total gross income from self-employment and any gross income as an employee.
- (2) Deduct business work expenses (see Section 44-113.233) from gross income. (See Section 44-113.1.)
- (3) Deduct the exempt income (see Section 44-111) from the amount determined in Item 2.
- (4) Deduct personal and nonpersonal work expenses (Section 44-113.231 and .232) from the amount determined in Item 3.
- (5) Any remainder is considered nonexempt net income.

.212 Received in Recurring Lump-Sum Payments (as an Employee or from Self-Employment)

- a. Determine gross income for the month (see Section 44-102).
- b. Determine the average business and/or personal and nonpersonal work expenses (see Sections 44-113.231, .232 & .233) for the month using the same method used to allocate income in a.
- c. Compute the nonexempt net income for each month as provided in Section .211a or b above, whichever is appropriate.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-113 NET INCOME (Continued)

44-113

APSB

.213 Received on a Monthly Basis or as Recurring Lump-Sum Payment (as an Employee or from Self-employment)

- a. Determine gross income from earnings or business.
- b. Deduct all business and/or personal and nonpersonal work expenses (see Section 44-113.231, .232 and .233) from the amount determined in Item a.
- c. Deduct from net income the exempt income (see Section 44-111.12).
- d. Any remainder is considered nonexempt income.

.214 If a need item is met in kind as a result of service performed, the monetary value is determined according to Section 44-115. Net income is then calculated as provided in Section .211, .212, or .213 above, whichever is appropriate.

AB
APSB
ATD
OAS
AFDC

AB
APSB
ATD
OAS

.22 Earnings of Ineligible Spouse

Net income received by an ineligible spouse from his own earnings is computed as follows:

- .221 Determine gross income from such earnings.
- .222 Deduct from such gross income a flat 25 percent for income taxes, disability insurance, social security taxes, expenses in securing and retaining employment, transportation, meals, etc.

or

Deduct the actual expenses, in lieu of the flat 25 percent, if the spouse presents evidence that necessary deductions and expenses exceed the 25 percent.

- .223 Any remainder is considered net income of the spouse.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-113 NET INCOME (Continued)

44-113

AB
APSB
ATD
OAS
AFDC

.23 Work-Related Expenses — The following shall be considered as work-related expenses and shall be allowed, subject to stated limitations, when not reimbursed by the employer.

.231 Personal Expenses

(a) Minimum amounts involuntarily withheld for income tax, social security and compulsory retirement, unemployment and disability insurance contributions.

(1) State and federal participation is not available in any case in which the county fails to assure, in accordance with Section 44-103.1, that the applicant or recipient employee claims or is taking all action necessary to claim the maximum number of dependents.

(2) Aid, in accordance with Section 44-103.2, shall be denied to or discontinued for the applicant or recipient who fails to claim or take action to claim the maximum number of dependents.

(3) A refund of income taxes or retirement contributions is net nonexempt income in the month it is received. Such income does not qualify for the earned income exemption.

(b) Child Care — The reasonable and necessary cost of obtaining such care shall be allowed when the county determines that adequate care for the recipient's children cannot be provided during his working hours by nonworking persons in his household. However, the amount allowed shall not exceed the cost of securing such care through a child care facility meeting the standards outlined in Chapter 30-350 (Child Care Services) when the county determines that such a facility is available to the recipient.

(c) Additional Food, Clothing and Personal Incidentals — The actual cost of food, clothing and personal incidentals which are required solely for employment shall be allowed to the extent such costs are determined by the county to be reasonable and necessary.

The applicant or recipient must bear the full burden of justifying the existence of and need for all costs claimed under this subsection.

(d) Transportation — The necessary costs of transportation to and from work shall be allowed as follows:

(1) If the recipient uses his own motor vehicle — 12 cents/mile less any amounts contributed by persons who ride with him. If the total amount contributed is greater than 12 cents/mile, the excess shall be net nonexempt income to the recipient.

(2) If the recipient rides in a private motor vehicle other than his own — the amount contributed by the recipient to the owner or driver of the motor vehicle, provided such amount is reasonable and does not exceed 6 cents/mile.

The amount allowed for transportation costs in any of the above situations may not exceed the actual cost of public transportation (bus, train or streetcar), if the county determines that it is available to the recipient.

DO NOT WRITE IN THIS SPACE

Effective APR 19 1972

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-113 NET INCOME (Continued)

44-113

AB
APSB
ATD
OAS
AFDC

.232 Nonpersonal Expenses

- (a) Costs for transportation to call on customers. See Section 44-113.231(d) above for limitations.
- (b) The reasonable and necessary cost of tools, materials and licenses which are required for employment.
- (c) The reasonable and necessary cost of dues to a union or employee association when membership in the union or association is a requirement for employment.

.233 Business Expenses — The reasonable and necessary cost of expenses which are incurred in the production of income by a self-employed person shall be allowed. The recipient must bear the full burden of proof for justifying the existence of and need for any expense allowed under this classification. (See Section 44-113.1 for limitation on principal and interest payments.)

AFDC

.24 Other Deductions from Net Income

In addition to the deductions described above, deductions for other expenses of persons with income from any source, shall be made as follows:

.241 Court-Ordered Support Payment by Natural Parent

Deduction for actual payments made in support of a child or spouse not in the home, paid pursuant to a court order, shall be made not to exceed three months if the parent requests review of the order. If, upon review, the court orders continued support payments, the amount of the actual payment pursuant to the court order shall be deducted until the order is changed. In no instance shall the deduction allowed exceed the amount of the payment required by the court order.

.242 Child's Income

Sections and 44-111.24

Only the amounts exempted under Section 44-111.23 may be deducted from a child's income.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

30-153 COSTS OF SUPPORTIVE SERVICES RELATED TO OBTAINING AND
RETAINING EMPLOYMENT OR REHABILITATION LEADING TO
EMPLOYMENT (Continued)

30-153

AFDCAFDC

- .2 For persons referred to and participating in WIN, the county shall meet the costs of the supportive services listed in Section 30-152 and the following training expenses, subject to stated limitations:
- .21 Expenses for transportation to and from training shall be allowed on the same basis as for work-related transportation expenses according to Section 44-113.231(d).
- .211 If, in the judgment of the county welfare director, a firm commitment exists to complete the payments for transportation expenses authorized for a recipient prior to October 1, 1971, these payments may be continued provided the county is able to establish that hardship would otherwise result which would not allow the recipient to continue his approved training program. In these cases, the county shall document the actual hardship in the case record for future audit purposes. In all cases where the provisions of this section are applied to prevent undue hardship, payments authorized shall extend only until completion of the training assignment under which the commitment was made.
- .22 Child Care — The reasonable and necessary cost of obtaining such care shall be allowed when the county determines that adequate care for the recipient's children cannot be provided during his working hours by nonworking persons in his household. However, the amount allowed shall not exceed the cost of securing such care through a child care facility meeting the standards outlined in Chapter 30-350 (Child Care Services) when the county determines that such a facility is available to the recipient.
- .23 Additional Food, Clothing and Personal Incidentals — The actual cost of food, clothing and personal incidentals which are required solely for training shall be allowed to the extent such costs are determined by the county to be reasonable and necessary.

The applicant or recipient must bear the full burden of justifying the existence of and need for all costs claimed under this subsection.

FDC

- .4 Service-connected expenses for WIN trainees shall be paid on the basis of a monthly claim submitted by the recipient to the county welfare department. The county shall assure the provision of sufficient funds for service-connected expenses to enable the trainee to begin and remain in the training program. Payment shall be adjusted to meet the actual expenses incurred upon receipt of an expense claim.
- .5 The county welfare department shall, in conjunction with staff of the WIN Section of the Department of Human Resources Development, establish procedures for the control of administrative expenditures for WIN service-connected expenses, including strict adherence to required WIN referral procedure (see Section 30-164.1) and the establishment of priorities in the selection of enrollees. Reimbursement of such administrative expenditures shall be subject to prior state authorization on an annual basis.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

AFDC
ATD
AB
OAS

31-204 RESPONSIBILITIES OF THE SOCIAL SERVICES SYSTEM

31-204

Where a county elects to provide educational and training services for recipients identified in the groups listed in 31-202, it shall be the responsibility of the Social Services system to:

- .1 Identify those recipients with an immediate potential for employment or rehabilitation leading to employment who could benefit from an education or training service. (See Section 30-152.12)
 - .2 Make a specific plan for meeting the educational and training need through purchase of the service or through other means such as a formal agreement with an administering institution. (See Section 30-152.2)
 - .3 Inform the recipient other than the AFDC-U parent, or the AFDC youth, age 16 through 20, that his participation in the educational and training program is voluntary. (See Section 30-162.3)
 - .4 Meet the allowable cost of expenses incurred by a participant in meeting the requirements of the program, if not provided by other agencies. Allowance for such expenses shall be the same as that outlined in Section 30-153.2 plus the reasonable and necessary costs of tuition, books, tools, and other supplies required by the program. The expenses shall be met from administrative funds only.
-
- .5 Assign a social worker to give support to the recipient and the family of the recipient in each instance in which a recipient is accepted by and assigned to an educational and training project. The case shall remain in active service status unless the assessment of the social services system is that social services are not required.
 - .51 The decision that social services are not required shall be substantiated in the case record.
 - .52 Where social services are not required, the case may become inactive for a period of up to three months. Under such circumstances, a reassessment of the need for social services shall be made by the social services system at least quarterly.
 - .6 Pay allowable service-connected expenses on the basis of a monthly claim submitted by the recipient to the county welfare department. The county shall assure the provision of sufficient funds for allowable service-connected expenses.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following regulations are to be repealed effective APR 19 1972

Section 44-113.25 Other Deductions from Net Income

Section 44-114 DETERMINATION OF WORK RELATED TRANSPORTATION
EXPENSES

DO NOT WRITE IN THIS SPACE

FACE SHEET
F FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

APR 20 1972

Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING
(Gov. Code 11380.2)

APR 20 1972

Office of Administrative Hearings

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: APR 20 1972

By:

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

APR 20 1972

At 1:15 o'clock P.M.

EDMUND G. BROWN Jr., Secretary of State

By: *Wm C. Delmar*
Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

FINDING OF EMERGENCY

The revision of the following regulations is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Revise:

Section 40-171.211
40-171.212
40-171.221a.
42-303.1
42-309.1
44-315.4

Repeal:

Section 42-303.2
44-313

Renumber:

Section 44-315.6 (renumbered from 44-315.5)

New:

Section 44-315.5

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following facts constitute the emergency:

1. Welfare and Institutions Code Section 11450, as amended by the Legislature in the Welfare Reform Act of 1971, was to have become effective on October 1, 1971, but its operation was modified in part by the Supreme Court of California in the case of Virginia Villa v. Hall.
2. On April 11, 1972, the United States Supreme Court issued an order staying the decision of the Supreme Court of California in the case of Virginia Villa v. Hall. The effect of that order is to require the implementation of Welfare and Institutions Code Section 11450, as amended by the Legislature in the Welfare Reform Act of 1971.
3. Because of the stay order of the United States Supreme Court, regulations presently in effect, which implement Welfare and Institutions Code Section 11450 as construed by the California Supreme Court in the case of Virginia Villa v. Hall, are no longer valid.
4. Implementation of Welfare and Institutions Code Section 11450 must be accomplished through regulations adopted by the director of Social Welfare.
5. In order to implement Welfare and Institutions Code Section 11450 in a manner consistent with the order of the United States Supreme Court, it is necessary to adopt these regulations on an emergency basis.

The regulation changes set forth above are adopted as emergency measures to become effective upon filing with the Secretary of State.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET
 & FILING ADMINISTRATIVE REGULATIONS
 WITH THE SECRETARY OF STATE**
 (Pursuant to Government Code Section 11380.1)

40-171 ACTION ON APPLICATIONS, INTERPROGRAM TRANSFERS AND 40-171
 INTRAPROGRAM STATUS CHANGES (Continued)

AB
 ATD
 OAS
 AFDC
 MN

.211 Application Granted - General (see Section 42-303)

If eligibility is established, [redacted] payment of aid in a specified amount and to begin at a specified time, shall be authorized on the date the determination of eligibility is completed.

(See Section 40-129 regarding applications granted on the basis of "immediate need" prior to the completion of the determination of eligibility.)

.212 Certification for Medical Assistance

(see Section 42-303)

Every applicant who is determined to be eligible [redacted] shall be certified for medical assistance. If eligibility for medical assistance only is determined, the application is granted but is designated as "medically needy" and the applicant is certified for medical assistance. Certifications are to be made as provided in Medical Assistance Regulations, Title 22, California Administrative Code, Division 3. (W&IC 14017) The effective date of certification is determined as provided in Section 44-317.

40-171 ACTION ON APPLICATIONS, INTERPROGRAM TRANSFERS AND 40-171
 INTRAPROGRAM STATUS CHANGES (Continued)

DO NOT WRITE IN THIS SPACE

AB
 ATD
 OAS
 AFDC
 MN

.221 County action shall be taken to deny aid if:
 public assistance

- a. Proof of ineligibility for [redacted] or for certification for medical assistance as medically needy is obtained. This does not apply when the applicant will become eligible within 60 days of his application. (See Section 40-171.11.)

**CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

42-303 AFDC REQUIREMENTS

42-303

AFDC An applicant or recipient is financially eligible during those budget periods in which both of the following conditions are met:

- .1 The gross income of an applicant or recipient minus the exemptions and deductions set forth in .11 and .12 below is less than the corresponding level of the Basic Standard of Adequate Care.

Number of Persons Within the FBU	Basic Standard of Adequate Care
1	\$125
2	210
3	255
4	314
5	362
6	408
7	449
8	496
9	543
10	590

Plus five dollars (\$5) for each additional person within the FBU.

- .11 All applicable income exemptions listed in Section 44-111, but not including family or student exemptions described in Sections 44-111.23 and .24 at the time of initial eligibility determination or eligibility determination of a case which has been terminated for four months or longer.
- .12 All applicable deductions from gross earnings of work-related expenses listed in Section 44-113.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
2 FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

42-309 DISCONTINUANCE DUE TO FINANCIAL INELIGIBILITY

42-309

AB
APSB
ATD
OAS

Aid to a recipient shall be discontinued because of financial ineligibility in the following instances:

- 1 When the grant the recipient would be entitled to receive during a payment period is zero (unless it is reduced to zero in order to adjust for a prior overpayment--see Section 44-335), effective the last day of the previous payment period.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-315 AMOUNT OF AID (Continued)

44-315

AFDC

.4 Determining Amount of Grant - Child Living With Parent or Relative

.41 Child Living With Parent or Relative (Basic Cash Grant)

Calculate the amount of the basic cash grant as follows:

.411 Based on the size of the FBU (see Section 44-213.3) find the maximum aid in the following table:

Size of FBU	Maximum Aid
1	\$115
2	190
3	235
4	280
5	320
6	360
7	395
8	430
9	465
10	500

.412 Round to the nearest dollar the net nonexempt income (Section 44-100) with amounts of 50 cents or more rounded to the next higher dollar figure.

.413 Compare net nonexempt income determined in .412 with the appropriate figure from .411. If .411 is greater than .412, the difference shall be paid as the basic cash grant. If net nonexempt income exceeds the maximum aid payment allowable, the case is classified as a zero basic grant case. Such eligible cases may be entitled to benefits other than the basic grant, including payment of special needs.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-315 AMOUNT OF AID (Continued)

44-315

AFDC

.42 Child Living With Parent or Relative (Special Needs)

Any FBU, when the net nonexempt income is less than the Minimum Basic Standard of Adequate Care (Section 44-212), is considered to be an eligible assistance case and may receive payment for special needs determined as follows:

.421 Round to the nearer dollar the amount of recurring special needs (see Section 44-265.2) the FBU is eligible to receive. Amounts ending in 50 cents should be rounded to the next higher dollar.

.422 Allowable payment for recurring special needs shall be limited as follows:

Basic Grant Cases - up to the appropriate amount in the Table of Maximum Amounts for Recurring Special Needs.

Size of FBU (Per Section 44-213.3)	Maximum Amount for Recurring Special Needs
1	\$10
2	20
3	20
4	34
5	42
6	48
7	54
8	66
9	78
10	90

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-315 AMOUNT OF AID (Continued)

44-315

AFDC

Zero Basic Grant Cases - up to the difference between the net nonexempt income and the appropriate amount in the Table of Minimum Basic Standard of Adequate Care (Section 44-212).

.423 The amount determined in .421, up to the limitation determined in .422, shall be paid in addition to the basic cash grant.

.424 Round to the nearer dollar the amount of nonrecurring special needs (Section 44-265.3) the FBU is eligible to receive. Amounts ending in 50 cents should be rounded to the next higher dollar.

.425 Payment for nonrecurring special needs shall be added to that determined payable as the basic cash grant and for recurring special needs, provided that any remaining excess of net nonexempt income above the maximum aid payment not utilized to meet recurring special needs is applied to meet the cost of nonrecurring special needs.

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET
R FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

44-315 AMOUNT OF AID (Continued)

44-315

AFDC

.43 Alternate Methods for Computing Payments

The aid payment is to be computed according to whichever of the following basic methods the county selects. The method selected shall apply to all family cases.

- .431 Concurrent Payment and Budget Periods** — Grant for a particular month based only on income received and needs existing in that month.

Any deficiency in a previous month between total need and the sum of the aid payment and the income is not to be carried forward and allowed as a need in a subsequent month.

- .432 Budget Planning with Subsequent Payment** — Grant for a particular month based on income received and needs existing and reported before the end of a prior budget planning period. If unforeseen changes in need or income occur, supplemental payment may be made if necessary to protect the child's welfare or local public funds.

The budget planning period will be a one-month period ending not more than one month prior to the date of the first installment.

.44 Payment in Installments

Aid need not be paid in equal installments.

.5 Determining Amount of Grant - Child Living in a Foster Family

Home or Private Institution

Effective April 1, 1970, and operative for all cases not later than July 1, 1970, the foster care payment is determined by:

- a. Rounding to the nearer dollar total net income of the child as determined under Chapter 44-100 and the sum of the county foster care rate and special need as determined under Section 10-225 and Section 44-271 respectively, with amounts ending in .50 cents or more rounded to the next higher dollar,

and

- b. Subtracting the rounded current net income from rounded total need.

The amount of the AFDC foster care payment is the exact amount of the difference between a. and b.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-315 AMOUNT OF AID (Continued)

44-315

AFDC.6 Time Limitations on Reporting of Needs

Only needs which were reported before the end of the month or budget planning period are considered.

.61 Exception to Reporting Time of Change in Needs and Circumstances

.611 When the change could not have been known or reported before the end of the month or the budget planning period because it occurred too late to give reasonable time to report within the period, or the report was not received due to communication difficulties, etc., such change is to be reflected in the aid payment if reported by the end of the following month or budget planning period, or if known in time to be processed with the main payroll, it may be reflected in the aid payment for the budget period in which it occurred.

.612 When special circumstances, such as physical or mental incapacity, make it unreasonable to expect that a report could have been made promptly, such change is reflected in the aid payment for the month covered by the budget planning period in which the change occurred if reported as soon as could reasonably be expected.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following sections are to be repealed effective APR 20 1972

Section 42-303.2

44-313

Maximum State Participation Base -
Children's Programs

DO NOT WRITE IN THIS SPACE

DEPARTMENT OF SOCIAL WELFARE

744 P STREET
SACRAMENTO 95814

April 25, 1972

CERTIFICATE OF COMPLIANCE--SECTION 11422.1, Gov. Code

The State Department of Social Welfare hereby certifies that said agency complied with the provisions of Sections 11423, 11424, and 11425, Government Code, prior to the adoption of the emergency regulations (or order of repeal) filed by said agency with the Secretary of State on December 28, 1971, which became effective on December 28, 1971.

Revised Section: 41-440.54

Repealed Section: 41-440.13

State Department of Social WelfareBy 

ROBERT B. CARLESON, Director

RECEIVED FOR FILING

APR 25 1972

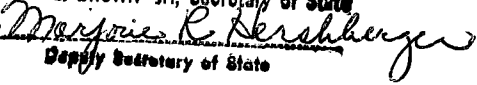
Office of Administrative Hearings

FILEDIn the office of the Secretary of State
of the State of California

APR 25 1972

At 11:15 o'clock ^{am} a.m.

EDMUND G. BROWN Jr., Secretary of State

By 
Deputy Secretary of State

FACE SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

APR 28 1972

Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING
(Gov. Code 11380.2)

APR 28 1972

Office of Administrative Hearings

DO NOT WRITE IN THIS SPACE

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: April 28, 1972

By:

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

APR 28 1972

At 4:15 o'clock P. M.

EDMUND G. BROWN, Jr., Secretary of State

By: *Shirley C. Newman*
Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

FINDING OF EMERGENCY

The revision of the following regulation is an emergency measure necessary for the immediate preservation of the public health, safety and general welfare within the meaning of the provisions of Section 11421(b) of the Government Code:

Revise:

Section 44-305.22
44-305.221

Repeal:

Section 44-305.222
44-305.223

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATION
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

DO NOT WRITE IN THIS SPACE

The following facts constitute the emergency:

1. The Department of Social Welfare has under consideration proposed regulations which would mandate the Budget Planning Method for AFDC grant determination. Such proposed regulations would also establish uniform payment dates for AFDC grant payments in all counties.
2. Serious inequities to recipients result from a lack of uniform payment dates. Correction of these inequities cannot be postponed until the proposed regulations described in paragraph one are adopted.
3. It is necessary, therefore, to adopt this revision as an emergency measure with an effective date of July 1, 1972, to permit counties adequate time to prepare for implementation of the uniform payment date requirement.

The revision described above must therefore be adopted as an emergency measure to become effective on July 1, 1972.

CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-305 AID PAYMENTS - PAYEE DELIVERY (Continued)

44-305

AFDC

.22 Regular aid payments to AFDC families shall be delivered semimonthly in advance. The first installment shall be delivered no later than the third day of the month and the second installment shall be delivered not later than 15 days after the first installment.

.221 Exceptions to delivery by the dates specified above may be made in those cases where payment at different intervals is directed by the Services System for a family with a money management problem (see Section 44-307.4).

DO NOT WRITE IN THIS SPACE

Effective July 1, 1972

CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following sections are to be repealed effective July 1, 1972:

Section 44-305.222
44-305.223

DO NOT WRITE IN THIS SPACE

Effective July 1, 1972

FACE SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

RECEIVED FOR FILING

MAY 5 1972

Office of Administrative Hearings

ENDORSED

APPROVED FOR FILING
(Gov. Code 11380.2)

MAY 5 1972

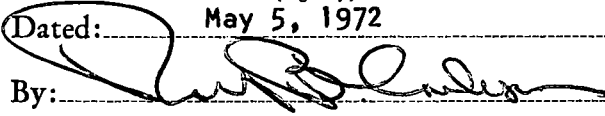
Office of Administrative Hearings

Copy below is hereby certified to be a true and correct copy of regulations adopted, or amended, or an order of repeal by:

State Department of Social Welfare

(Agency)

Dated: May 5, 1972

By: 

Director

(Title)

FILED

In the office of the Secretary of State
of the State of California

MAY 5 - 1972

At 5:04 o'clock P. M.

EDMUND G. BROWN Jr., Secretary of State

By: 

Deputy Secretary of State

DO NOT WRITE IN THIS SPACE

DO NOT WRITE IN THIS SPACE

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part I, Chapter 4.5) and pursuant to the authority vested by Sections 10552, 10553, 10554 and 10604 of the Welfare and Institutions Code, the Department of Social Welfare hereby repeals, amends, and adopts regulations referred to in Title 22, California Administrative Code, as hereinafter set forth.

These regulations do not contain any building standards.

Revise:

Section 42-303
44-133.621
44-305.22
44-305.221
44-315.6
44-325.425

New:

Section 44-315.7
44-315.71

Repeat:

Section 44-113.621a
44-315.43
44-315.431
44-315.432
44-315.61
44-315.611
44-315.612
44-325.22
44-325.221
44-325.222

Renumber:

Section 44-315.44 to 44-315.43

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

42-303 AFDC REQUIREMENTS

42-303

AFDC An applicant or recipient is financially eligible during any month in which his gross income minus the exemptions and deductions set forth in .1 and .2 below is less than the corresponding level of the Basic Standard of Adequate Care.

Number of Persons Within the FBU	Basic Standard of Adequate Care
1	\$125
2	210
3	255
4	314
5	362
6	408
7	449
8	496
9	543
10	590

Plus five dollars (\$5) for each additional person within the FBU.

- .1 All applicable income exemptions listed in Section 44-111, but not including family or student exemptions described in Sections 44-111.23 and .24 at the time of initial eligibility determination or eligibility determination of a case which has been terminated for four months or longer.
- .2 All applicable deductions from gross earnings of work-related expenses listed in Section 44-113.

DO NOT WRITE IN THIS SPACE

Effective November 1, 1972

CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-133 TREATMENT OF INCOME - AFDC (Continued)

44-133

AFDC

.621 The payment shall be applied to the maximum aid amount for the family budget unit as specified in Section 44-315.411 in the budget period (see Section 44-315.6) during which receipt by the county welfare department or notification of deposit to the account of the county welfare department occurred.

44-305 AID PAYMENTS - PAYEE AND DELIVERY (Continued)

44-305

.22 Regular aid payments to AFDC families shall be delivered semimonthly in advance. The first installment shall be delivered no later than the third day of the month, and not later than 34 days following the end of the established budget period defined in Section 44-315.6 and the second installment shall be delivered not later than 15 days after the first installment. The time period between the end of the budget period and the beginning of the aid payment month (payment period) is called the reporting period.

.221 An exception to delivery by the dates specified above may be made in those cases where payment at different intervals is directed by the Services System for a family with a money management problem. (See Section 44-307.4.)

44-315 AMOUNT OF AID (Continued)

44-315

.43 Payment in Installments

Aid need not be paid in equal installments.

DO NOT WRITE IN THIS SPACE

Effective November 1, 1972

CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-315 AMOUNT OF AID (Continued)

44-315

AFDC .6 Budget Period

The budget period for grant computation shall be the calendar month ending not more than 34 days before the first installment of the corresponding payment period. (See Section 44-305.22.)

The grant for the initial and second calendar months shall be computed on the basis of known or estimated income in each of those two calendar months.

The grants for the third and subsequent payment periods shall be based on actual income received in the budget period.

44-315 AMOUNT OF AID (Continued)

44-315

.7 Required Reporting of All Changes Affecting Eligibility and Grant Determination

All recipients are required to promptly report to the county any changes in eligibility or grant determination factors.

.71 Prior to the end of each budget period the county shall request updated information from recipient families concerning income and work-related expenses in that budget period. Such information shall be reported by the recipient on a form provided by the county.

DO NOT WRITE IN THIS SPACE

Effective November 1, 1972

CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-315 AMOUNT OF AID (Continued)

44-315

AFDC

If the recipient fails to provide the report requested by the county within the deadline set by the county, action shall be taken to suspend the affected payment until it is possible for the county to correctly determine the amount of grant. In cases known by the county to have stable income,

the grant determination may be made without awaiting receipt of the reporting form.

44-325 CHANGES IN AMOUNT OF PAYMENT (Continued)

44-325

.425 The first installment of a month's AFDC aid payment may be withheld if the county's evaluation of circumstances indicates probable ineligibility. If the question cannot be resolved by the end of the first semimonthly period following that in which it arose, the second payment is always withheld.

Unless the first installment of a month's aid payment has been withheld, the second installment is normally not withheld, except when:

- a. Probable or actual ineligibility for the first installment was discovered too late to hold that payment, or
- b. Probable overpayment is occurring which can be adjusted only if the second installment is withheld or if the recipient would be disadvantaged by the delayed adjustment, or

DO NOT WRITE IN THIS SPACE

Effective November 1, 1972

CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

44-325 CHANGES IN AMOUNT OF PAYMENT (Continued)

44-325

AFDC

- c. Payment of the first installment was made because the payment date was within the termination notice period. For example, see Section 41-440.41.

DO NOT WRITE IN THIS SPACE

Effective November 1, 1972

CONTINUATION SHEET
FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE

(Pursuant to Government Code Section 11380.1)

The following sections are to be repealed effective November 1, 1972:

Section 44-113.621a

44-315.43

44-315.431

44-315.432

44-315.61

44-315.611

44-315.612

44-325.22

44-325.221

44-325.222

DO NOT WRITE IN THIS SPACE

Effective November 1, 1972